

HOUSE BILL NO. 566

INTRODUCED BY J. LASLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS PERTAINING TO COMMUNITY MENTAL HEALTH CENTERS, MENTAL HEALTH REGIONS, AND MENTAL HEALTH CORPORATIONS; DEFINING TERMS; ALLOWING COUNTY MENTAL HEALTH SERVICES FUNDS TO BE USED TO REIMBURSE ANY WILLING LICENSED MENTAL HEALTH CENTER FOR MENTAL HEALTH SERVICES IN THE COUNTY; AMENDING SECTIONS 19-3-108, 53-21-201, 53-21-202, 53-21-203, AND 53-21-204, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 19-3-108, MCA, is amended to read:

"19-3-108. (Temporary) Definitions. Unless the context requires otherwise, as used in this chapter, the following definitions apply:

(1) "Compensation" means remuneration paid out of funds controlled by an employer before any pretax deductions allowed by state or federal law are made. Compensation does not include the payments or contributions made in lieu of wages for an individual subject to 19-3-403(4)(a).

(2) "Contracting employer" means any political subdivision or governmental entity that has contracted to come into the system under this chapter.

(3) "Employer" means the state of Montana, its university system or any of the colleges, schools, components, or units of the university system for the purposes of this chapter, or any contracting employer, except that a nonprofit community mental health ~~corporation~~ center established pursuant to 53-21-204 may not be an employer with regard to employees hired after June 30, 1999.

(4) "Employer contributions" means payments to the pension trust fund pursuant to 19-3-316 from appropriations of the state of Montana and from contracting employers.

(5) "Final average salary" means a member's highest average monthly compensation during any 36 consecutive months of membership service. Lump-sum payments for severance pay, sick leave, and annual leave paid to the member upon termination of employment may be used in the calculation of a retirement benefit only to the extent that they are used to replace, on a month-for-month basis, the regular

1 compensation for a month or months included in the calculation of the final average salary. A lump-sum
2 payment may not be added to a single month's compensation.

3 **19-3-108. (Effective on occurrence of contingency or July 1, 2002, whichever is earlier)**

4 **Definitions.** Unless the context requires otherwise, as used in this chapter, the following definitions apply:

5 (1) "Compensation" means remuneration paid out of funds controlled by an employer before any
6 pretax deductions allowed by state or federal law are made. Compensation does not include the payments
7 or contributions made in lieu of wages for an individual subject to 19-3-403(4)(a).

8 (2) "Contracting employer" means any political subdivision or governmental entity that has
9 contracted to come into the system under this chapter.

10 (3) "Defined benefit plan" means the plan within the public employees' retirement system
11 established in 19-3-103 that is not the defined contribution plan.

12 (4) "Employer" means the state of Montana, its university system or any of the colleges, schools,
13 components, or units of the university system for the purposes of this chapter, or any contracting
14 employer, except that a nonprofit community mental health ~~corporation~~ center established pursuant to
15 53-21-204 may not be an employer with regard to employees hired after June 30, 1999.

16 (5) "Employer contributions" means payments to a pension trust fund pursuant to 19-3-316 from
17 appropriations of the state of Montana and from contracting employers.

18 (6) "Final average salary" means a member's highest average monthly compensation during any
19 36 consecutive months of membership service. Lump-sum payments for severance pay, sick leave, and
20 annual leave paid to the member upon termination of employment may be used in the calculation of a
21 retirement benefit only to the extent that they are used to replace, on a month-for-month basis, the regular
22 compensation for a month or months included in the calculation of the final average salary. A lump-sum
23 payment may not be added to a single month's compensation.

24 (7) "System" or "retirement system" means the public employees' retirement system established
25 in 19-3-103."

26

27 **Section 2.** Section 53-21-201, MCA, is amended to read:

28 **"53-21-201. Definitions.** As used in this part, the following definitions apply:

29 (1) "Community mental health center" means a facility, not necessarily encompassed within one
30 building, that is licensed by the department of public health and human services as a mental health center,

1 as defined in 50-5-101, and that offers comprehensive mental health services that must include at least
2 the following services to ~~the public~~ all of the counties in the appropriate mental health region as specified
3 in the state plan:

4 (a) outpatient services, including specialized outpatient services for children, the elderly, individuals
5 who have serious mental illness, and residents of its service area who have been discharged from inpatient
6 treatment at a mental health facility;

7 (b) 24-hour-a-day emergency care services;

8 (c) day treatment or other partial hospitalization services or psychosocial rehabilitation services;

9 (d) screening for patients being considered for admission to state mental health facilities to
10 determine the appropriateness of admission; and

11 (e) consultation and education in mental health.

12 (2) "Department" means the department of public health and human services.

13 (3) "Mental health corporation" means a mental health center, as defined in 50-5-101, that is
14 licensed and is incorporated under Title 35, chapter 2."

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16 **Section 3.** Section 53-21-202, MCA, is amended to read:

17 **"53-21-202. Duties of department.** The department shall:

18 (1) take cognizance of matters affecting the mental health of the citizens of the state;

19 (2) initiate mental health care and treatment, prevention, and research ~~as that~~ can best be
20 accomplished by community-centered services. The means must be utilized to initiate and operate these
21 services in cooperation with local agencies mental health corporations as established under this part.

22 (3) collect and disseminate information relating to mental health;

23 (4) prepare and maintain a comprehensive plan for the development of public mental health
24 services in the state;

25 (5) receive from agencies of the United States and other state agencies, persons or groups of
26 persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials,
27 and contributions for the development of mental health services within the state;

28 (6) establish standards for mental health programs that receive funds from the department;

29 (7) evaluate performance of programs that receive funds from the department in compliance with
30 federal and state standards; and

(8) coordinate state and community resources to ensure comprehensive delivery of services to children with emotional disturbances and submit at least a biennial report to the governor and the legislature concerning the activities and recommendations of the department and service providers."

Section 4. Section 53-21-203, MCA, is amended to read:

"53-21-203. Departmental contracts with mental health corporations. The department may enter into contracts with ~~regional~~ mental health corporations for the purposes of the prevention, diagnosis, and treatment of mental illness. Under rules adopted by the department, mental health corporations may be provided for directly by state agencies or indirectly through contract or cooperative arrangements with other agencies of government, regional or local, private or public agencies, private professional persons, or hospitals."

Section 5. Section 53-21-204, MCA, is amended to read:

"53-21-204. Mental health corporations ~~regions~~ -- community mental health centers -- regional mental health boards. (1) Mental health regions must be established in the state mental health plan and must conform to the mental health regions as established in the state mental health construction plan promulgated by the department under the federal Community Mental Health Centers Act.

(2) ~~The mental health regions must be established under Title 35, chapter 2.~~ Upon incorporation and organization of a regional mental health board, a community mental health region center may enter into contracts with the department in order to carry out the department's comprehensive plan for mental health. ~~These nonprofit corporations~~ Community mental health centers may not be considered agencies of the department or the state of Montana.

(3) Upon the establishment of ~~the a mental health regions region~~ and incorporation of a community mental health center in a mental health region, the county commissioners in each of the counties in the region designated as participating counties pursuant to subsection (8) shall appoint a person from their respective county to serve as a representative of the county on the regional mental health ~~corporation~~ board. In addition, unless the groups in subsections (3)(a) and (3)(b) are already represented, the board consists of three members-at-large who must be chosen according to the corporate bylaws, as follows:

(a) Two members must be chosen, one from each of the following groups:

(i) persons with severe and disabling mental illnesses; and

(ii) family members of persons with severe and disabling mental illnesses.

(b) One person must be chosen from among the following four groups:

(i) parents of children with emotional disturbances;

(ii) advocates of mental health services for the elderly;

(iii) health care professionals; or

(iv) organizations that provide community support services, such as food, housing, and clothing, to persons with severe and disabling mental illnesses.

(4) This section does not prohibit a regional mental health ~~corporation~~ board from voluntarily expanding its board membership to include members-at-large, appointed by the board, from any of the groups described in subsections (3)(a) and (3)(b).

(5) The board must be established under guidelines adopted by the bylaws of the ~~corporation~~ community mental health center. All appointments to the board must be for terms of 2 years, and the department must be notified in writing of all appointments.

(6) The duties of an organized regional mental health ~~corporation~~ board include:

(a) annual review and evaluation of mental health needs and services within the region;

(b) preparation and submission to the department and to each of the counties in the region of plans and budget proposals to provide and support mental health services within the region;

(c) establishment of a recommended proportionate level of financial participation of each of the counties within the region in the provision of mental health services within the limits of this section;

(d) receipt and administration of money and other support made available for the purposes of providing mental health services by the participating agencies, including grants from the United States government and other agencies, receipts for established fees for services rendered, taxes, gifts, donations, and any other type of support or income. All funds received by the board in accordance with this part must be used to carry out the purposes of this part.

(e) supervision of appropriate administrative staff personnel of the operation of community mental health center services within the region;

(f) keeping all records of the board and making reports required by the department.

(7) Regional mental health board members must be reimbursed from funds of the board for actual and necessary expenses incurred in attending meetings and in the discharge of board duties when assigned by the board.

(8) Prior to June 10 of each year, the ~~board of regional~~ regional mental health board shall submit to the board of county commissioners of each of the counties within the constituted mental health region an annual budget, specifying each county's recommended proportionate share. If the board of county commissioners includes in the county budget the county's proportionate share of the regional mental health board's budget, it must be designated as a participating county. Funds for each participating county's proportionate share for the operation of mental health services within the region and any additional funds that are made available pursuant to [section 6] must be derived from the county's general fund. If the general fund is insufficient to meet the approved budget or if the county wishes to contract for additional mental health services from another mental health center pursuant to [section 6], a levy not to exceed 1 mill may be made on the taxable valuation of the county in addition to all other taxes allowed by law to be levied on that property.

(9) The regional ~~board of~~ mental health board, with the approval of the department, shall establish a schedule of fees for mental health services. The fees may be received by the board and used to implement the budget in accordance with subsection (6)(d)."

NEW SECTION. Section 6. County funds for licenced mental health center allowed. (1) In addition to a county's participation in the regional mental health board's annual budget, any of the funds designated by a county for the operation of mental health services within a region, as provided in 53-21-204(8), may be used to reimburse any mental health center, as defined in 50-5-101, that is willing to provide the necessary mental health services, as approved by a board of county commissioners.

(2) The funds must be used for reimbursement for mental health services within the county in which the funds originated and at a rate consistent with that established under 53-21-204(9) for the same services.

NEW SECTION. Section 7. Codification instruction. [Section 6] is intended to be codified as an integral part of Title 53, chapter 21, part 2, and the provisions of Title 53, chapter 21, part 2, apply to [section 6].

NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2001.

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